

**COMMONWEALTH OF KENTUCKY
OFFICE OF INSURANCE**

**AGENT LICENSING DIVISION
Treva W. Donnell, Director**

**AGENT
BUSINESS ENTITY RESIDENT AND NONRESIDENT
LICENSING PROCEDURES AND INFORMATION**

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This document is for general information purposes only. It does not amend or precede provisions of the Kentucky Revised Statutes or Administrative Regulations. For more complete information, refer to the Kentucky Insurance Code.

The Kentucky Office of Insurance issues one license with several “lines of authority” to the agent. This one agent license lists all of the kinds of insurance that the agent is qualified to sell in Kentucky, which means the agent license may list any one or more lines of authority from either or both of the following lists:

- Casualty
- Health
- Life
- Personal Lines
- Property
- Variable Life and Variable Annuity

Or limited lines of authority

- Credit only
- Crop only
- Surety
- Travel

Further, this one agent license is the basis for appointments with all kinds of insurers that are approved to sell one or more of the lines of authority listed on the agent’s license.

Changes to the law in 2002 separated the agent license from the appointments. This means the **agent may hold a license without an appointment** as long as the agent fulfills any financial responsibility and continuing education requirements, confirms certain information at the time of license renewal, and pays the applicable license renewal fees. However, the **agent cannot exercise the license by selling, soliciting, or negotiating insurance, without an appointment with the insurer(s) he or she intends to transact business for.**

Exceptions to Agent License – Briefly, the requirement to be licensed as an agent does not apply to

- Employee of an insurer or an insurance producer under specific circumstances if the employee does not receive any commission;
- Individual who furnishes information to or helps enroll persons in group plans and does not receive any commission;
- Representative of an employer, association, or trust who is administering an insured benefit program for employees or members and who does not receive any commission, directly or indirectly;
- Employee of an insurer who classifies risks or supervises insurance producers and is not selling, soliciting, or negotiating insurance;
- Person whose multi-state, mass media advertisement is inadvertently distributed in Kentucky;
- Person whose activities involve a policy sold in another state if the policy just happens to cover risks in Kentucky; and
- Salaried full-time employee who advises the employer relative to the insurance and does not receive any commission.

Specific details of these limited exceptions are found in KRS 304.9-090.

Note: A business entity must have an agent license in order to receive commission either directly or indirectly.

WARNINGS

Notice of Action Against License – Every licensee must notify the Office of Insurance in writing within 30 days of initiation of

- **Disciplinary action** taken by any jurisdiction against the license or any other professional license; or
- **Criminal action** taken by any jurisdiction against the licensee.

Address Change or Name Change – Every licensee must notify the Office, in writing, of any change in residence address, business address, or legal name within 30 days of the change. Agents, individual or business entity, surplus lines brokers, rental vehicle agents and managing employees, specialty credit producers and managing employees, reinsurance intermediary brokers, and reinsurance intermediary managers are subject to a penalty up to \$1,000 for failure to do so. Adjusters, administrators, viatical settlement brokers, viatical settlement providers, and consultants are subject to a penalty up to \$2,000.

- **Address changes** should be submitted on Record Correction **Form 8303**. (Moving from Kentucky to another state may require surrendering the resident license and applying for nonresident license. Also moving to Kentucky from another state may require surrendering the nonresident license and applying for a resident license.)
- **Name changes** should be submitted on Record Correction **Form 8303** with pertinent legal documentation approving the name change, including any amendments filed with the Kentucky Secretary of State.

Form 8303 should include the licensee's name and identification number (the licensee's Social Security Number, Federal Employer Identification Number, or Office of Insurance identification number); and it should be submitted to the Office online by clicking on eServices at <http://doi.ppr.ky.gov> to set up a password protected account. OR, by mail to:

Office of Insurance
Agent Licensing Division
Post Office Box 517
Frankfort, KY 40602-0517

Corrected License Certificate – Because the insurance law requires that the license certificate contain the licensee's name, city and state of principal place of business address, and other pertinent information, every licensee that changes this information must request a corrected license certificate from the Office. To get a corrected license certificate with the name, city, or state change, the licensee may request online or submit a request on **Form 8306** along with the out-of-date original license certificate. A license certificate with the new name, new city, or new state will be provided without charge and will be mailed to the residence address of the licensed individual or to the business address of the licensed business entity.

Change of Home State – A nonresident licensee who changes his or her home state to a state other than Kentucky must file a change of address **Form 8303** and provide a Certification Letter from the new home state within 30 days of the change. No fee or license application is required.

Loss of Home State License – A Kentucky nonresident license based on reciprocity will automatically terminate and must be surrendered to the Office of Insurance if the home state license terminates for any reason.

Change of Officers and Directors – The resident business entity agent must notify the Office of all changes among its members, directors, officers, or designated agents listed in its license application within 30 days of the change.

MISCELLANEOUS INFORMATION

Notice of Executive Director's Order – Every licensee is deemed to have received any notice or order of the Executive Director mailed to the licensee's address on file with the Office of Insurance.

Licensee's Office Open to Public – If Kentucky is the Home State, the licensee is required to have and maintain an office in Kentucky that is accessible to the public and that is the place where the licensee principally conducts transactions under the license. This requirement does not prohibit the licensee from maintaining this office in the office of an insurer, in the office of the employer, or in the home of the licensee. (Kentucky is the Home State if the licensee has a Kentucky resident license or has a Kentucky principal place of business and does not hold a resident license in another state.)

Display of License and Retention of Records – The license of all licensees must be conspicuously displayed in each Kentucky place of business in a location customarily open to the public. In addition, complete records of transactions under the license must be kept at the place of business for at least 5 years after completion of the purpose for which it was created. [KRS 304.9-390 and 806 KAR 2:070]

Service of Process – All nonresident licensees are deemed to have irrevocably appointed the Kentucky Secretary of State to receive service of process in any court action against the licensee arising out of transactions under the Kentucky license.

Designations – A licensed business entity can only exercise its license through a designated licensed and appointed individual. Each designated individual must hold the same kind of license as the business entity and if the business entity license has lines of authority, have at least one of the same lines of authority. Further, the designated individual may only exercise the business entity license for the lines of authority held in common by both the business entity and the individual.

(For example, a business entity agent is like a building: it cannot operate unless there is an individual to sell the policies and an insurance company to issue the policies. **The business entity agent must designate individual licensed agents and hold appointments with insurers. Likewise, the individual agent must have at least one appointment** of his or her own with an insurer.)

Each licensed business entity must file with the Office

- **Form 8305 – notice of the designation** of an individual within 30 days of the designation or termination of the designation;
- **Annual report** by January 31, each odd year, of all designated individuals whose designations are not terminated prior to January 1. (The Office will provide the

format to be used for this report.)

Certification / Clearance Letter from Kentucky Office of Insurance – If an applicant for a license in another state holds or has held a Kentucky resident license, the other state may require a letter from the Kentucky Office of Insurance. A Certification Letter states that the license is active and in good standing in Kentucky (needed to license a Kentucky resident licensee as a nonresident licensee in another state). A Clearance Letter states that the former licensee was in good standing at the time the Kentucky license terminated (needed to license a former Kentucky resident licensee as a resident licensee in another state). Kentucky has combined these two letters:

- If the license is active, the letter will serve as a certification letter for the current license activity; and
- If the license is no longer active, the letter will indicate the last date of license and the date it became inactive, thus serving as a clearance letter.

Each letter must be requested online at <http://doi.ppr.ky.gov/kentucky/> Click eServices to set up a password protected account and complete the Certification/Clearance Letter Request Form. Complete the licensee's full name, identification number (the licensee's Social Security Number, Federal Employer Identification Number, or Office of Insurance identification number), and type of letter needed. Also, the licensee must indicate where the processed paperwork should be mailed by providing the correct address on the request. Fees may be paid by credit or debit card online, or make check payable to the "Kentucky State Treasurer" in an amount of \$5 for each letter requested. The fee must be included with the request.

Certification / Clearance Letters to Kentucky Office of Insurance – Kentucky no longer requires a letter (only verification through the NAIC Producer Data Base) from the other state if the applicant for a Kentucky license holds or has held a resident license in the other state.

Request for Kentucky Nonresident License –

- Kentucky will verify electronically through NAIC Producer Data Base, that the nonresident applicant is licensed and in good standing in the resident state.
- A nonresident individual or business entity, which has a Kentucky nonresident license and changes its home state, must file Record Correction **Form 8303**.

Request for Kentucky Resident License –

- Kentucky will verify electronically through NAIC Producer Data Base, that the nonresident applicant is no longer licensed in the other state.

Purchase of Kentucky Insurance Code – Because there is so much involved in the licensing and the legal requirements imposed on a licensee, the Office of Insurance suggests that every licensee get a copy of *Kentucky Insurance Laws and Regulations, 2004 Edition*. This Kentucky insurance code can be purchased for \$36.50 through the Office of Insurance. It will provide a better understanding of Kentucky insurance laws and procedures. In the alternative, the licensee may access Kentucky's insurance laws and administrative regulations through the Legislative Research Commission Web site at www.lrc.state.ky.us under "Legislative Resources."

Forms and Additional Information – Kentucky-specific applications and most other forms for all licensees are available through the Office's Web site at <http://doi.ppr.ky.gov/kentucky/> under the "Agent Licensing" section of the menu titled "Licensee Procedures, Forms and Information." Also visit this Web site for additional information on all types of licenses, as well as verification

of license status, continuing education credit, appointment, designations with business entities, etc. The Licensing Division is also available to provide information and answer questions through its e-mail address at KOIAgentLicensingMail@ky.gov or by telephone at (502) 564-6004.

The NAIC uniform applications, for electronic filing or paper, may be obtained through NIPR Web site address at www.licenseregistry.com.

BUSINESS ENTITY RESIDENT AGENT

A business entity acting as an agent, including receiving commissions directly or indirectly, is required to obtain an agent license. Application must be made on the business entity license application prescribed by the Executive Director.

QUALIFICATIONS – To be licensed as an agent, the Office must determine that the applicant has met the following requirements.

- Each officer, director, and member of the business entity who is acting as an agent has obtained a Kentucky agent's license and appointment with an insurer;
- The business entity has disclosed to the Office of Insurance the identity of all officers and directors and whether or not they are licensed as agents;
- The business entity has designated a licensed and appointed individual agent responsible for the business entity's compliance with the insurance laws and regulations of Kentucky;
- The business entity has filed with the Office, the designation of each individual authorized to act under the business entity license; and
- The business entity has paid the nonrefundable fees set forth in KRS 304.4-010

APPLICATION – The applicant is required to certify under penalty of perjury that the application for the license is true. Further, the Office of Insurance must receive the following to process the business entity's application.

Business Entity License Application – **Form 8301-BE** or NAIC Uniform Business Entity Application (completed in its entirety and attaching the appropriate information)

List of all designated individuals to act under business entity license (each individual must have a license and insurer appointment for each line of authority he or she will exercise for the business entity)

For each individual to act under business entity license

- Individual License Application (with required attachments) – **Form 8301** or **NAIC Uniform Individual Application**, or
- Identification number for Kentucky agent license

If applying for **Variable Life and Variable Annuity** line of authority

- CRD number (NASD Individual Central Registration Depository Number as proof of successful completion of SEC requirements)
- Identification number for Kentucky agent license with life line of authority

Document demonstrating authority to do business in Kentucky, as applicable:

- General Partnership
 - Partnership Agreement
- Limited Partnership
 - Certificate of Formation from Kentucky Secretary of State
- Corporation and Limited Liability Company
 - Certificate of Existence from Kentucky Secretary of State

If using assumed name, copies of Certificate of Assumed Name filed with Kentucky Secretary of State (www.sos.state.ky.us) and each Kentucky County Clerk where the applicant intends to transact business

All applicable non-refundable fees

FEES – The license fee for the resident business entity applicant is \$100 for the agent license plus an additional \$100 for each line of authority.

PRELICENSING TRAINING – N/A

EXAMINATION – N/A

FINANCIAL RESPONSIBILITY – N/A

APPOINTMENT – In order to exercise the license, the agent, individual or business entity must obtain at least one appointment with an admitted insurer for that line of authority in order to transact business in that particular line of authority. Prior to appointment, the insurer must confirm through investigation that the named applicant has not been convicted of any felony offense involving dishonesty or a breach of trust and has not been convicted of a fraudulent insurance act, unless the applicant has received written consent from the Executive Director. The agent may get appointments with additional insurers at any time the insurer files with the Office of Insurance

- Appointment – **Form 8302-AP**; and
- Applicable nonrefundable fees, if any.

No agent shall claim to be an agent or representative of, or imply a contractual relationship with, a particular insurer, or place applications for insurance with an insurer unless the agent becomes

an appointed agent of the insurer and the agent's appointment has been approved. An agent may become licensed but may not exercise the license by selling, soliciting, or negotiating insurance until he or she has been appointed.

Appointment fees for each foreign or alien insurer as well as each health maintenance organization, limited health service organization, fraternal benefit society, or KRS Chapter 304 Subtitle 32 Corporation represented, are

- Property, Personal Lines, and Casualty lines of authority of agent, \$100;
- Life, Health, and Variable Life and Variable Annuity lines of authority of agent, \$100; and
- All other lines of authority of agent, \$100 each.

(The fee for a bundle of lines of authority is \$100 only if the lines of authority are applied for at the same time on the same appointment form.)

APPOINTMENT RENEWAL – Appointments are renewed biennially by March 31 through appointing insurers. Each insurer receives a list from the Office, in a format prescribed by the Executive Director, showing all agents with active appointments as of December 31 of the preceding calendar year. (The insurer is responsible for terminating any appointment prior to December 31 if the insurer does not want to pay the renewal fee for that agent. Further, the insurer must give written notice to any agent who is terminated or not renewed within 30 days of the termination or non-renewal.) The insurer must pay the appointment renewal fee no later than March 31 for each agent on the list from the Office in

- Odd-numbered years for life and health insurers, including health maintenance organizations, limited health service organizations, fraternal benefit societies, and Subtitle 32 Corporations; and
- Even-numbered years for all other insurers.

AGENT REPRESENTATIVE – A licensed agent may act as a representative of an insurer without being appointed for 15 days from the date the first insurance policy application is executed. Further, the agent representative must receive acknowledgement of approval of appointment within 15 days from the date the first insurance policy application is executed; otherwise, the agent must discontinue acting as an agent for that insurer until the approval has been received.

ADDITIONAL LINES OF AUTHORITY – Once licensed, the licensee may add additional lines of authority by repeating the application process for the new line of authority, including submitting a new application with all required attachments, fulfilling all relevant requirements, and paying all applicable fees.

LICENSE RENEWAL – The license continues in force until expired, suspended, revoked, or otherwise terminated if the licensee makes a written request for continuation, confirms certain other information in the Office's records, and pays the renewal fee as follows:

- Resident business entity \$100
- Nonresident business entity \$120

The renewal invoice and the payment of the license renewal fee stated on the renewal invoice are due from the business entity licensee **by March 31 in**

- Odd-numbered years for a business entity licensed in an odd-numbered year, and

- Even-numbered years for a business entity licensed in an even-numbered year.

(At least 30 days before the renewal deadline, the Office will send the licensee the renewal invoice containing all of the information that must be confirmed as well as the amount of the renewal fee due.)

License is renewed online or by completing the Renewal Invoice.

- **Invoice is mailed** to the current address of record filed with the Office of Insurance and posted to the Web site simultaneously.
- **Confirmation** of renewal information is on our Web site at <http://doi.ppr.ky.gov/kentucky/> Click on eServices in the top right corner.
- **Renewal Period** is based solely on the license date.
- **Renewal Deadline** - License must be renewed no later than March 31 in even numbered years if licensed in an even year, or odd numbered years if licensed in an odd year.

The license renewal is solely the responsibility of the licensee. **Each licensee must:**

- **Sign** the renewal invoice verifying all information is accurate, or renew online.
- **Return the renewal invoice** directly to the Office or complete online.
- **Remit** any required non-refundable license **renewal fee** to the Office with the renewal invoice, either online or by check made payable to Kentucky State Treasurer.

License is continuous and a new license certificate will not be issued at renewal.

The licensee may check the Office's Web site to confirm that the Office has received the renewal invoice and any required renewal fees.

Failure to Renew License by Deadline – If the Office does not receive the license renewal invoice and any required fees by the deadline, the license will be automatically terminated as of the deadline. The licensee will be prohibited from transacting insurance business until the license is reissued.

However, if the licensee submits the renewal invoice, the **late renewal penalty payment**, and any required renewal fees within 60 days after the deadline, the license may be reissued without the need for a new license application or other documentation. Upon expiration of the 60 days, the license will be inactive. Note that there will be a gap in the license (and any appointments) from the inactive date until the date the Office receives and approves a new application with required attachments.

CONTINUING EDUCATION – N/A

BUSINESS ENTITY NONRESIDENT AGENT

Nonresidents may be licensed as agents in Kentucky by submitting the appropriate application and meeting the applicable requirements

- For reciprocity under KRS 304.9-140 if the applicant holds an agent license with the same or substantially similar lines of authority in a reciprocal state; OR
- For a resident if the applicant is not licensed as an agent in a reciprocal state or if Kentucky is the home state. (See the requirements in the information summary concerning the resident agent licensing requirements.)

QUALIFICATIONS for RECIPROCITY (KRS 304.9-140) – unless denied a license under KRS 304.9-440, the nonresident applying for an agent license must

- Hold an agent license (with the same lines of authority being requested in Kentucky) as a resident in the home state and be in good standing;
- Hold the resident license from a home state that awards nonresident licenses to Kentucky residents on the same basis;
- Submit the proper request for license; and
- Pay the applicable fees.

APPLICATION – The applicant is required to certify, under penalty of perjury, that the application for the license is true. The applicant may be issued a license once he or she meets the qualifications of KRS 304.9-140. Certain business entities cannot exercise the license without authority from the Kentucky Secretary of State to conduct business in Kentucky. You may contact the Secretary of State's Office at www.sos.state.ky.us. Plus, a business entity can only exercise its license through individuals, whose activity on behalf of the business entity will trigger the requirement that the individual hold the same license. Therefore, to streamline the process and allow the applicant to exercise the license upon issuance of the license and receipt of appropriate appointments, the Office must receive the following:

NAIC Uniform Nonresident Business Entity Application (completed in its entirety and attaching the appropriate information). Or, complete online and submit the additional requested information.

Verification of licensure through the NAIC Producer Data Base or a letter of certification from the resident state

List of all designated individuals who will act under the business entity license (each individual must have an active license and insurer appointment (see Appointment) for each line of authority he or she will exercise for the business entity)

For each individual to act under the business entity license

- Individual License Application (with required attachments) – **Form 8301** or **NAIC Uniform Individual Application**, or
- Identification number for Kentucky agent license

Document demonstrating authority to do business in Kentucky, as applicable

- General Partnership
 - Partnership Agreement
- Limited Partnership
 - Certificate of Registration from Kentucky Secretary of State
- Corporation or Limited Liability Company
 - Certificate of Authorization from Kentucky Secretary of State

If using assumed name, copies of Certificate of Assumed Name filed with Kentucky Secretary of State (www.sos.state.ky.us) and each Kentucky County Clerk where the applicant intends to transact business

All applicable non-refundable fees

FEES – The license fee for the nonresident business entity applicant is \$120 for the agent license plus an additional \$120 for each line of authority.

ADDITIONAL LINES OF AUTHORITY –

- **Held in Home State** – Once the licensee has a nonresident agent license through reciprocity, the agent may add other lines of authority by repeating the nonresident application process if the new lines of authority are included in the home state license.
- **Not Held in Home State** – If the new lines of authority are not included in the home state license, the agent will have to qualify for the new lines of authority like a Kentucky resident. (See the information summary concerning the resident agent for details.)

PRELICENSING TRAINING – N/A

EXAMINATION – N/A

FINANCIAL RESPONSIBILITY – N/A

APPOINTMENT – In order to exercise the license, the agent must obtain **at least one appointment** with an admitted insurer for that line of authority in order to write or do business in that particular line of authority. Further, the agent may get appointments with additional insurers at any time that the insurer files with the Office of Insurance

- Appointment – **Form 8302-AP**; and
- Applicable fees, if any.

Appointment fees for each foreign or alien insurer as well as each health maintenance organization, limited health service organization, fraternal benefit society, or KRS Chapter 304 Subtitle 32 Corporation represented, are

- Property, Personal Lines, and Casualty lines of authority of agent, \$120;
- Life, Health, and Variable Life and Variable Annuity lines of authority of agent, \$120; and
- All other lines of authority of agent, \$120 each.

(The fee for a bundle of lines of authority is \$120 only if the lines of authority are applied for at the same time on the same appointment form.)

AGENT REPRESENTATIVE – A licensed agent may act as a representative of an insurer without being appointed for 15 days from the date the first insurance policy application is executed. Further, the agent representative must receive acknowledgement of approval of appointment within 15 days from the date the first insurance policy application is executed; otherwise, the agent must discontinue acting as an agent for that insurer until the approval has been received.

APPOINTMENT RENEWAL – Appointments are renewed biennially by March 31 through appointing insurers. Each insurer receives a list from the Office, in a format prescribed by the Executive Director, showing all agents with active appointments as of December 31 of the preceding calendar year. (The insurer is responsible for terminating any appointment prior to December 31 if the insurer does not want to pay the renewal fee for that agent. Further, the insurer must give written notice to any agent who is terminated or who is not renewed within 30 days of the termination or non-renewal.) The insurer must pay the appointment renewal fee no later than March 31 for each agent on the list sent by the Office in

- Odd-numbered years for life and health insurers, including health maintenance organizations, limited health service organizations, fraternal benefit societies, and Subtitle 32 Corporations; and
- Even-numbered years for all other insurers.

LICENSE RENEWAL – The license continues in force until expired, suspended, revoked, or otherwise terminated if the licensee makes a written request for continuation, confirms certain other information in the Office's records, and pays the renewal fee as follows:

- | | |
|-------------------------------|-------|
| • Resident business entity | \$100 |
| • Nonresident business entity | \$120 |

The renewal invoice and the payment of the license renewal fee stated on the renewal invoice are due from the business entity licensee **by March 31 in**

- Odd-numbered years for a business entity licensed in an odd-numbered year, and
- Even-numbered years for a business entity licensed in an even-numbered year.

(At least 30 days before the renewal deadline, the Office will send the licensee the renewal invoice containing all of the information that must be confirmed as well as the amount of the renewal fee due.)

License is renewed online or by completing the Renewal Invoice.

- **Invoice is mailed** to the current address of record filed with the Office of Insurance and posted to the Web site simultaneously.
- **Confirmation** of renewal information is on our Web site at <http://doi.ppr.ky.gov/kentucky/> Click on eServices in the top right corner.
- **Renewal Period** is based solely on the license date.
- **Renewal Deadline** - License must be renewed no later than March 31 in even numbered year if licensed in an even year, or odd numbered years if licensed in an odd year.

The license renewal is solely the responsibility of the licensee. **Each licensee must:**

- **Sign** the renewal invoice verifying all information is accurate, or renew online.
- **Return the renewal invoice** directly to the Office or complete online.
- **Remit** any required non-refundable license **renewal fee** to the Office with the renewal invoice, either online or by check made payable to Kentucky State Treasurer.

License is continuous and a new license certificate will not be issued at renewal.

The licensee may check the Office's Web site to confirm that the Office has received the renewal invoice and any required renewal fees.

Failure to Renew License by Deadline – If the Office does not receive the license renewal invoice and any required fees by the deadline, the license will be automatically terminated as of the deadline. The licensee will be prohibited from transacting insurance business until the license is reissued.

However, if the licensee submits the renewal invoice, the **late renewal penalty payment** and any required renewal fees within 60 days after the deadline, the license may be reissued without the need for a new license application or other documentation. Upon expiration of the 60 days the license will be inactive. Note that there will be a gap in the license (and any appointments) from the inactive date until the date the Office receives and approves a new application with required attachments.

CONTINUING EDUCATION – N/A

**AGENT LICENSING AND OFFICE OF LEGAL SERVICES, INSURANCE DIVISION
GUIDELINES FOR PROCESSING LICENSING APPLICATIONS
WITH
NEGATIVE BACKGROUND INFORMATION
APPROVAL / DENIAL**

Upon receipt of every application, NAIC I-Site RIRS is checked as part of the initial processing procedure.

Have you ever been convicted of, or are you currently charged with, committing a crime, whether or not adjudication was withheld? Yes_____ No_____

“Crime” includes a misdemeanor, felony or a military offense. You may exclude misdemeanor traffic citations and juvenile offenses. “Convicted” includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere, or having been given probation, a suspended sentence or a fine.

If you answer yes, you must attach to this application:

- **a written statement explaining the circumstances of each incident,**
- **a copy of the charging document, and**
- **a copy of the official document which demonstrates the resolution of the charges or any final judgment.**

Agent Licensing checks to make sure all three of the above-mentioned requests are attached to the application. When all documentation is complete, the application goes to “review.” Details on what exactly is needed are as follows:

- a written statement explaining the circumstances of each incident (Must be VERY detailed – complete explanation – not just three or four sentences.)
- a copy of the charging document (police citation, indictment, warrant, or other court document you received when charges were made).
- a copy of the official document which demonstrates the resolution of the charges or any final judgment (Court document showing final judgment of conviction, diversion agreement, or final court order signed by judge).

If these documents are no longer available from the court office, then a letter must be submitted from that court office stating they have been destroyed, OR a computer printout from the court office that is “certified” by a court employee may be submitted in lieu of the original documents. ALL DUIs must be disclosed whether they are coded on AOC report as Traffic offense or Misdemeanor. We require this because all counties in Kentucky do not code DUIs the same way. Therefore, to be consistent with each applicant, we require they be disclosed.

2. Have you or any business in which you are or were an owner, partner, officer, or director ever been involved in an administrative proceeding regarding any professional or occupational license? Yes_____ No_____

“Involved” means having a license censured, suspended, revoked, canceled, terminated; or being assessed a fine, placed on probation or surrendering a license to resolve an administrative action. “Involved” also means being named as a party to an administrative or arbitration proceeding which is related to a professional or occupational license. “Involved” also means having a license application denied or the act of withdrawing an application to avoid a denial. You may exclude terminations due solely to noncompliance with continuing education requirements or failure to pay a renewal fee.

If you answer yes, you must attach to this application:

- **a written statement identifying the type of license and explaining the circumstances of each incident,**
- **a copy of the Notice of Hearing or other document that states the charges and allegations, and**
- **a copy of the official document which demonstrates the resolution of the charges or any final judgment. (Consent Decree, Agreed Order, or Stipulation Agreement.)**

Agent Licensing checks to make sure all three of the above-mentioned requests are attached to the application. If not, Agent Licensing writes back to the applicant to obtain these records. After receiving all attachments, the application goes to “review.”

Has any demand been made or judgment rendered against you for overdue monies by an insurer, insured or producer, or have you ever been subject to a bankruptcy proceeding?

Yes_____ No_____

If you answer yes, submit a statement summarizing the details of the indebtedness and arrangements for repayment, and/or type, date, and location of bankruptcy.

Agent Licensing reviews all documentation on demand, judgment, or bankruptcy. The applicant is contacted if additional documentation is required for determination. If there is a bankruptcy, Agent Licensing requests that the “Discharge of Debtor” is attached to application with a brief explanation of reason for bankruptcy. Also, if the bankruptcy happened within the last 2 years, a list of creditors must be supplied. Agent Licensing accepts faxed copies.

Have you been notified by any jurisdiction to which you are applying of any delinquent tax obligation that is not the subject of a repayment agreement? Yes_____ No_____

If you answer yes, identify the jurisdiction(s):_____

According to KRS 304.9-440 (1)(o) and other applicable state law, the Office of Insurance should deny any applicant who has delinquent tax obligation that is not the subject of a repayment agreement in Kentucky. However, we will keep the application in a pending status for an extended period of time to allow applicant to contact Kentucky Revenue Cabinet and set up a repayment agreement. After receiving documentation that verifies the agreement, the applicant will then enter into an agreed order of probation for the same period of time it takes to repay the obligation to the State. Once the agreed order is signed by the applicant and the Commissioner, the application will be processed.

Are you currently a party to, or have you ever been found liable in, any lawsuit or arbitration proceeding involving allegations of fraud, misappropriation or conversion of funds, misrepresentation or breach of fiduciary duty? Yes_____ No_____

If you answer yes, you must attach to this application:

- a) a written statement summarizing the details of each incident, (Written statement giving full details of each incident involving allegations of fraud, misappropriation or conversion of funds, misrepresentation or breach of fiduciary duty.)**
- b) a copy of the Petition, Complaint or other document that commenced the lawsuit or arbitration, and**
- c) a copy of the official document which demonstrates the resolution of the charges or any final judgment.**

Agent Licensing checks to make sure all three of the above-mentioned requests are attached to the application. If not, Agent Licensing writes back to the applicant to obtain these records. After all documentation is received, application goes to “review.”

Have you or any business in which you are or were an owner, partner, officer or director ever had an insurance agency contract or any other business relationship with an insurance company terminated for any alleged misconduct? Yes_____ No_____

**If you answer yes, you must attach to this application:
a written statement summarizing the details of each incident and explaining why you feel this incident should not prevent you from receiving an insurance license, and copies of all relevant documents.**

Agent Licensing checks to make sure all of the above-mentioned requests are attached to the application. If not, Agent Licensing writes back to the applicant to obtain these records. After all documentation is received, application goes to “review.”

7. Do you have a child support obligation in arrearage? Yes_____ No_____

If you answer yes to Question 7, by how many months are you in arrearage?
_____Months

Agent Licensing requires applicant to submit official documentation showing that child support payments are being made. This may be a computer printout from court-ordered overseer of the account, or a copy of pay stubs showing automatic withdrawal of child support payments.

8. Are you the subject of a child support related subpoena or warrant? Yes_____ No_____

Agent Licensing sends all applications with this question marked “yes” to Legal for review. Legal advises Agent Licensing staff of additional items to request, or calls the applicant directly.

NOTES:

Any time a background infraction is disclosed, the review may require additional days to process. Based on the charges, the application may be pending review for several weeks, even several months. Occasionally, our Office has to make calls or correspond with other attorneys or court offices to obtain all the information we need to make a fair judgment.

When monitoring the status of an application, don’t be alarmed if you see a “denied” status, as long as you know the applicant is working with us to provide additional information. Our system automatically “denies” a record after so many days. This status can be overridden for applicants in Legal Review.

The best advice Agent Licensing can give is for every applicant to take the time and attach ALL requested documents when submitting the application initially. This allows the application to go to “review” as soon as it is entered in our system, without having to write back for additional items.